

AMENDED IN ASSEMBLY APRIL 15, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2509**

**Introduced by Assembly Member Napolitano**

February 20, 1998

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An act to amend Sections 21100, 25251, ~~27002~~ 27000, and 27605 of, *and to add Section 21119 to*, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2509, as amended, Napolitano. Vehicles: funeral processions.

(1) Existing law permits local authorities to adopt rules and regulations by ordinance to authorize any person to direct traffic at locations that require traffic direction for orderly traffic flow.

This bill would revise these provisions to require a local authority, whenever it authorizes the regulation of traffic by any person for a funeral procession, to issue each funeral escort, as defined, an identification card and an official insignia in the form of a patch or badge indicating that the funeral escort is authorized to direct traffic in accordance with the movement of the funeral procession. For these purposes, the bill would define “funeral escort” and “funeral procession.” *The bill would require those local authorities to regulate the formal training of funeral escorts relating to traffic control and traffic safety procedures, as specified.* Thus, to the extent the bill would increase the responsibilities

of local authorities, the bill would impose a state-mandated local program.

(2) Existing law prohibits flashing lights on vehicles, except, among other things, to warn other motorists of a funeral procession, as specified.

This bill also would authorize (a) a motorcycle *or other vehicle* that is used exclusively for funeral escort purposes, as described, and (b) the lead vehicle in a funeral procession, whether it is a funeral coach or a limousine carrying human remains, to be equipped with white or amber, or both white and amber, flashing lights.

~~(3) Existing law prohibits any vehicle, except an authorized emergency vehicle, to be equipped with any siren.~~

*The bill would prohibit the use of those flashing lights except when the motorcycle, other funeral escort vehicle, or lead vehicle is stopped in an intersection. Because a violation of this prohibition would be an infraction, the bill would impose a state-mandated local program by creating a new crime.*

(3) Existing law prohibits any horn on a vehicle operated on a highway from emitting an unreasonably loud or harsh sound.

This bill would authorize a motorcycle *or other vehicle* that is used exclusively for funeral escort purposes to be equipped with ~~a siren~~ *an airhorn* that meets the requirements ~~established by that the bill would require the Department of Transportation, provided the siren does not emit wail, high-low, or phaser sounds. the California Highway Patrol to establish.~~

*The bill would prohibit the use of that air horn except in emergency situations. Because a violation of this prohibition would be an infraction, the bill would impose a state-mandated local program by creating a new crime.*

(4) Existing law prohibits a person from owning or operating a motor vehicle that is painted to resemble a motor vehicle used by a peace officer or traffic officer on duty for the primary purpose of enforcing specified provisions of the Vehicle Code, except as specified.

This bill also would except from these provisions a motorcycle *or other vehicle* that is used exclusively for funeral

escort purposes, ~~provided if the motorcycle or other vehicle is equipped with flashing lights, as described above, an air horn, as described above, and a decal that differentiates the motorcycle or other vehicle from a police motorcycle or other police vehicle and indicates that the motorcycle or other vehicle is for use as a funeral escort.~~

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

*(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

*Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.*

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21100 of the Vehicle Code is  
2 amended to read:

3 21100. Local authorities may adopt rules and  
4 regulations by ordinance or resolution regarding the  
5 following matters:

6 (a) Regulating or prohibiting processions or  
7 assemblages on the highways.

8 (b) Licensing and regulating the operation of vehicles  
9 for hire and drivers of passenger vehicles for hire.

10 (c) Regulating traffic by means of traffic officers.

11 (d) Regulating traffic by means of official traffic  
12 control devices meeting the requirements of Section  
13 21400.

14 (e) (1) Regulating traffic by means of any person  
15 given temporary or permanent appointment for that  
16 duty by the local authority whenever official traffic  
17 control devices are disabled or otherwise inoperable, at  
18 the scenes of accidents or disasters, or at locations that  
19 require traffic direction for orderly traffic flow.

20 No person, however, shall be appointed pursuant to this  
21 paragraph unless and until the local authority has  
22 submitted to the commissioner or to the chief law  
23 enforcement officer exercising jurisdiction in the  
24 enforcement of traffic laws within the area in which the  
25 person is to perform that duty, for review, a proposed  
26 program of instruction for the training of a person for that  
27 duty, and unless and until the commissioner or other chief  
28 law enforcement officer approves the proposed program.  
29 The commissioner or other chief law enforcement officer  
30 shall approve the proposed program if he or she  
31 reasonably determines that the program will provide  
32 sufficient training for persons assigned to perform the  
33 duty described in this paragraph.

34 (2) (A) Whenever a local authority authorizes the  
35 regulation of traffic pursuant to paragraph (1) for a  
36 funeral procession, the local authority shall issue each  
37 funeral escort of that procession an identification card  
38 and an official insignia in the form of a patch or badge

1 indicating that the funeral escort is authorized to direct  
2 traffic in accordance with the movement of the funeral  
3 procession.

4 (B) For the purposes of this paragraph, the following  
5 definitions shall apply:

6 (i) "Funeral escort" means a uniformed person  
7 employed by a mortuary or company to direct the  
8 movement of a group of vehicles engaged in a funeral  
9 procession.

10 (ii) "Funeral procession" means a group of two or  
11 more vehicles traveling in line from a funeral service,  
12 whether that funeral service is held at a place of worship  
13 or other location, to a transportation facility, cemetery, or  
14 crematory. For the purposes of this paragraph, each  
15 vehicle shall be clearly marked with a funeral sticker and  
16 each vehicle shall have its headlights activated. *There*  
17 *shall be one escort for every 12 vehicles in the procession,*  
18 *except that the escort in charge of the procession may*  
19 *vary this requirement based on traffic conditions and the*  
20 *nature of the route.*

21 (f) Regulating traffic at the site of road or street  
22 construction or maintenance by persons authorized for  
23 that duty by the local authority.

24 (g) Licensing and regulating the operation of tow  
25 truck service or tow truck drivers whose principal place  
26 of business or employment is within the jurisdiction of the  
27 local authority, except the operation and operators of any  
28 auto dismantlers' tow vehicle licensed under Section  
29 11505 or any tow truck operated by a repossessing agency  
30 licensed under Chapter 11 (commencing with Section  
31 7500) of Division 3 of the Business and Professions Code  
32 and its registered employees. Nothing in this subdivision  
33 shall limit the authority of a city or city and county  
34 pursuant to Section 12111.

35 (h) Operation of bicycles, and, as specified in Section  
36 21114.5, electric carts by physically disabled persons, or  
37 persons 50 years of age or older, on the public sidewalks.

38 (i) Providing for the appointment of nonstudent  
39 school crossing guards for the protection of persons who

1 are crossing a street or highway in the vicinity of a school  
2 or while returning thereafter to a place of safety.

3 (j) Regulating the methods of deposit of garbage and  
4 refuse in streets and highways for collection by the local  
5 authority or by any person authorized by the local  
6 authority.

7 (k) (1) Regulating cruising pursuant to an ordinance  
8 or resolution which shall define cruising as the repetitive  
9 driving of a motor vehicle past a traffic control point in  
10 traffic that is congested at or near the traffic control point,  
11 as determined by the ranking peace officer on duty  
12 within the affected area, within a specified time period  
13 and after the vehicle operator has been given an  
14 adequate written notice that further driving past the  
15 control point will be a violation of the ordinance or  
16 resolution.

17 (2) No person is in violation of an ordinance or  
18 resolution adopted pursuant to paragraph (1) unless (A)  
19 that person has been given the written notice on a  
20 previous driving trip past the control point and then  
21 again passes the control point in that same time interval  
22 and (B) the beginning and end of the portion of the street  
23 subject to cruising controls are clearly identified by signs  
24 that briefly and clearly state the appropriate provisions of  
25 paragraph (1) and the local ordinance or resolution on  
26 cruising.

27 (l) Regulating or authorizing the removal by peace  
28 officers of vehicles unlawfully parked in a fire lane, as  
29 described in Section 22500.1, on private property. Any  
30 removal pursuant to this subdivision shall be consistent to  
31 the extent possible with the procedures for removal and  
32 storage set forth in Chapter 10 (commencing with  
33 Section 22650).

34 SEC. 2. *Section 21119 is added to the Vehicle Code, to*  
35 *read:*

36 *21119. Local authorities that authorize the regulation*  
37 *of traffic under paragraph (1) of subdivision (e) of*  
38 *Section 21100 for funeral processions, shall regulate the*  
39 *formal training of funeral escorts relating to traffic*  
40 *control and traffic safety procedures. At a minimum, the*

1 *regulation shall require providers of funeral escort*  
2 *services to do all of the following:*

3 *(a) Provide funeral escorts with not less than 30 hours*  
4 *of formal training on traffic control and traffic safety*  
5 *procedures.*

6 *(b) Certify the participation of funeral escorts in not*  
7 *less than 25 funeral processions.*

8 *(c) Establish a training manual that includes, but is not*  
9 *limited to, all of the following subjects:*

10 *(1) Traffic control and direction.*

11 *(2) Legal responsibilities of funeral escorts.*

12 *(3) Safety requirements for funeral processions.*

13 *(4) Recordkeeping and reporting of incidents.*

14 *(5) Safety and inspection of motorcycles and other*  
15 *funeral escort vehicles.*

16 *SEC. 3. Section 25251 of the Vehicle Code is amended*  
17 *to read:*

18 *25251. (a) Flashing lights are permitted on vehicles*  
19 *as follows:*

20 *(1) To indicate an intention to turn or move to the*  
21 *right or left upon a roadway, turn signal lamps and turn*  
22 *signal exterior pilot indicator lamps and side lamps*  
23 *permitted under Section 25106 may be flashed on the side*  
24 *of a vehicle toward which the turn or movement is to be*  
25 *made.*

26 *(2) When disabled or parked off the roadway, but*  
27 *within 10 feet of the roadway, or when approaching,*  
28 *stopped at, or departing from a railroad grade crossing,*  
29 *turn signal lamps may be flashed as warning lights if the*  
30 *front turn signal lamps at each side are being flashed*  
31 *simultaneously and the rear turn signal lamps at each side*  
32 *are being flashed simultaneously.*

33 *(3) To warn other motorists of accidents or hazards on*  
34 *a roadway, turn signal lamps may be flashed as warning*  
35 *lights while the vehicle is approaching, overtaking, or*  
36 *passing the accident or hazard on the roadway if the front*  
37 *turn signal lamps at each side are being flashed*  
38 *simultaneously and the rear turn signal lamps at each side*  
39 *are being flashed simultaneously.*

40 *(4) For use on authorized emergency vehicles.*

(5) (A) To warn other motorists of a funeral procession, as defined in Section 21100, turn signal lamps may be flashed as warning lights on all vehicles actually engaged in a funeral procession, if the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

~~(B) For the purposes of subparagraph (A), a motorcycle that is used exclusively for funeral escort purposes, as described in Section 21100, and the lead vehicle in a funeral procession whether it is a funeral coach or a limousine carrying human remains, may be equipped with white or amber, or both white and amber, flashing lights.~~

*(B) For the purposes of subparagraph (A), a motorcycle or other vehicle that is used exclusively for funeral escort purposes, as described in paragraph (2) of subdivision (e) of Section 21100, and the lead vehicle in a funeral procession, whether it is a funeral coach or a limousine carrying human remains, may be equipped with white or amber, or both white and amber, flashing lights. The flashing lights may be used only when the motorcycle, other funeral escort vehicle, or lead vehicle is stopped at an intersection.*

(b) Turn signal lamps shall be flashed as warning lights whenever a vehicle is disabled upon the roadway and the vehicle is equipped with a device to automatically activate the front turn signal lamps at each side to flash simultaneously and the rear turn signal lamps at each side to flash simultaneously, if the device and the turn signal lamps were not rendered inoperative by the event that caused the vehicle to be disabled.

(c) Side lamps permitted under Section 25106 and used in conjunction with turn signal lamps may be flashed with the turn signal lamps as part of the warning light system, as provided in paragraphs (2) and (3) of subdivision (a).

(d) Required or permitted lamps on a trailer or semitrailer may flash when the trailer or semitrailer has



1 broken away from the towing vehicle and the connection  
2 between the vehicles is broken.

3 (e) Hazard warning lights, as permitted by paragraphs  
4 (2) and (3) of subdivision (a) may be flashed in a  
5 repeating series of short and long flashes when the driver  
6 is in need of help.

7 ~~SEC. 3. Section 27002 of the Vehicle Code is amended~~  
8 ~~to read:~~

9 ~~27002. (a) No vehicle, except an authorized~~  
10 ~~emergency vehicle, or a motorcycle used exclusively for~~  
11 ~~funeral escort purposes as described in Section 21100,~~  
12 ~~shall be equipped with, nor shall any person use upon a~~  
13 ~~vehicle any siren except that:~~

14 ~~(b) An authorized emergency vehicle shall be~~  
15 ~~equipped with a siren that meets requirements~~  
16 ~~established by the department.~~

17 ~~(c) A motorcycle that is used exclusively for funeral~~  
18 ~~escort purposes may be equipped with a siren that meets~~  
19 ~~the requirements established by the department,~~  
20 ~~provided the siren does not emit wail, high-low, or phaser~~  
21 ~~sounds.~~

22 *SEC. 4. Section 27000 of the Vehicle Code is amended*  
23 *to read:*

24 27000. (a) Every motor vehicle, when operated upon  
25 a highway, shall be equipped with a horn in good working  
26 order and capable of emitting sound audible under  
27 normal conditions from a distance of not less than 200 feet,  
28 but no horn shall emit an unreasonably loud or harsh  
29 sound. ~~An, except for the following:~~

30 (1) An authorized emergency vehicle may be  
31 equipped with, and use in conjunction with the siren on  
32 that vehicle, an air horn ~~which~~ *that* emits sounds that do  
33 not comply with the requirements of this section.

34 (2) *A motorcycle or other vehicle used exclusively for*  
35 *funeral escort purposes, as described in paragraph (2) of*  
36 *subdivision (e) of Section 21100, may be equipped with*  
37 *an air horn that does not meet the requirements of this*  
38 *section but, instead, meets requirements that shall be*  
39 *established by the department. The air horn authorized*

1 *under this paragraph may be used only in emergency*  
2 *situations.*

3 (b) Every refuse or garbage truck purchased after  
4 September 1, 1983, shall be equipped with an automatic  
5 backup audible alarm ~~which~~ *that* sounds on backing more  
6 than 36 inches and ~~which~~ *that* is capable of emitting sound  
7 audible under normal conditions from a distance of not  
8 less than 100 feet or shall be equipped with an automatic  
9 backup device ~~which~~ *that* is in good working order, *that*  
10 *is* located at the rear of the vehicle, and ~~which~~ *that*  
11 immediately applies the service brake of the vehicle on  
12 contact by the vehicle with any obstruction to the rear.  
13 The backup device or alarm shall also be capable of  
14 operating automatically when the vehicle is in neutral or  
15 a forward gear but rolls backward.

16 (c) At the first scheduled overhaul for any refuse or  
17 garbage truck, the operator shall consider equipping the  
18 refuse or garbage truck not equipped in accordance with  
19 the requirements of subdivision (b), with the alarm or  
20 device required under subdivision (b).

21 ~~SEC. 4.—~~

22 *SEC. 5.* Section 27605 of the Vehicle Code is amended  
23 to read:

24 27605. (a) No person shall own or operate a motor  
25 vehicle painted in the manner described in Section 40800  
26 to resemble a motor vehicle used by a peace officer or  
27 traffic officer on duty for the primary purpose of  
28 enforcing Division 10 (commencing with Section 20000)  
29 or Division 11 (commencing with Section 21000)  
30 pursuant to Section 40800.

31 (b) This section shall not apply to vehicles that are  
32 painted one solid color or to vehicles first registered on or  
33 before January 1, 1979. This section shall not apply to  
34 vehicles that are any of the following:

35 (1) Owned by vehicle manufacturers or dealers.

36 (2) Used by law enforcement agencies in the  
37 enforcement of Division 10 (commencing with Section  
38 20000) or Division 11 (commencing with Section 21000).

39 (3) Owned by persons or companies who use the  
40 vehicles exclusively for movie or television production

1 and display signs stating “movie car” prominently on the  
2 doors.

3 (4) Owned by persons or companies who use the  
4 vehicles exclusively for funeral escort purposes.

5 ~~(5) A motorcycle that is used exclusively for funeral~~  
6 ~~escort purposes, provided the motorcycle is equipped~~  
7 ~~with flashing lights as described in Section 25251, a siren~~  
8 ~~as described in Section 27002, and decal that~~  
9 ~~differentiates the motorcycle from a police motorcycle~~  
10 ~~and indicates that the motorcycle is for use as a funeral~~  
11 ~~escort.~~

12 (5) *A motorcycle or other vehicle that is used*  
13 *exclusively for funeral escort purposes, as described in*  
14 *paragraph (2) of subdivision (e) of Section 21100, if the*  
15 *motorcycle or other vehicle is equipped with all of the*  
16 *following:*

17 (A) *Flashing lights, as described in subparagraph (B)*  
18 *of paragraph (5) of subdivision (a) of Section 25251.*

19 (B) *An air horn, as described in paragraph (2) of*  
20 *subdivision (a) of Section 27000.*

21 (C) *Traffic control decals on both sides of the front of*  
22 *the motorcycle or other vehicle that differentiate the*  
23 *motorcycle or other vehicle from a police motorcycle or*  
24 *other police vehicle, and indicate that the motorcycle or*  
25 *other vehicle is for use as a funeral escort.*

26 (6) Motorcycles, as defined in Section 400, without  
27 insignia.

28 ~~SEC. 5. Notwithstanding Section 17610 of the~~  
29 ~~Government Code, if the Commission on State Mandates~~  
30 ~~determines that this act contains costs mandated by the~~  
31 ~~state, reimbursement to local agencies and school~~  
32 ~~districts for those costs shall be made pursuant to Part 7~~  
33 ~~(commencing with Section 17500) of Division 4 of Title~~  
34 ~~2 of the Government Code. If the statewide cost of the~~  
35 ~~claim for reimbursement does not exceed one million~~  
36 ~~dollars (\$1,000,000), reimbursement shall be made from~~  
37 ~~the State Mandates Claims Fund.~~

38 ~~Notwithstanding Section 17580 of the Government~~  
39 ~~Code, unless otherwise specified, the provisions of this act~~

1 ~~shall become operative on the same date that the act~~  
2 ~~takes effect pursuant to the California Constitution.~~

3 *SEC. 6. No reimbursement is required by this act*  
4 *pursuant to Section 6 of Article XIII B of the California*  
5 *Constitution for certain costs that may be incurred by a*  
6 *local agency or school district because in that regard this*  
7 *act creates a new crime or infraction, eliminates a crime*  
8 *or infraction, or changes the penalty for a crime or*  
9 *infraction, within the meaning of Section 17556 of the*  
10 *Government Code, or changes the definition of a crime*  
11 *within the meaning of Section 6 of Article XIII B of the*  
12 *California Constitution.*

13 *However, notwithstanding Section 17610 of the*  
14 *Government Code, if the Commission on State Mandates*  
15 *determines that this act contains other costs mandated by*  
16 *the state, reimbursement to local agencies and school*  
17 *districts for those costs shall be made pursuant to Part 7*  
18 *(commencing with Section 17500) of Division 4 of Title*  
19 *2 of the Government Code. If the statewide cost of the*  
20 *claim for reimbursement does not exceed one million*  
21 *dollars (\$1,000,000), reimbursement shall be made from*  
22 *the State Mandates Claims Fund.*

23 *Notwithstanding Section 17580 of the Government*  
24 *Code, unless otherwise specified, the provisions of this act*  
25 *shall become operative on the same date that the act*  
26 *takes effect pursuant to the California Constitution.*

